

Message Text

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STADIS/////////////////////////////////
EXDIS TODEP-51

FOLLOWING REPEAT USUN NEW YORK 3095 ACTION SECSTATE 4 AUG 76

QUOTE C O N F I D E N T I A L USUN 3095

STADIS

EXDIS

FROM LOS USDEL

FOR THE SECRETARY FROM AMB. LEARSON

E.O. 11652: GDS
TAGS: PLOS
SUBJECT: DAILY LOS REPORT FOR THE SECRETARY

REF: STATE 190948

QM COMMITTEE I. BACKLASH IN G-77 AGAINST KEY ARTICLES OF
DEEP SEABEDS REVISED TEXT (INSPIRED BY MEXICO, INDIAN
GHANA AND ARAB GROUP) IS CAUSING SIGNIFICANT PROCEDURAL
DEABATE. G-77 WANTS TO CREATE A SINGLE WORKING GROUP OF THE
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WHOLE, THEREBY IN EFFECT, INSTALLING A NEW CHAIRMAN AND

PARALYZING ENGO. THEY THEN WANT COMMITTEE I TO OPEN UP THE WHOLE ACCESS SYSTEM, FOLLOWED BY NEGOTIATION ON THE ASSEMBLY AND THE COUNCIL. INDUSTRIALIZED COUNTRIES WISH TO AVOID REOPENING ALL ASPECTS OF THE ACCESS SYSTEM OF THE ASSEMBLY; THEY PREFER TO MOVE ON TO VOTING AND COMPOSITION OF THE COUNCIL, STATUTE OF ENTERPRISE AND TRIBUNAL AND FINANCIAL ARRANGEMENTS. DUE TO INTENSE DEBATE IN PRIVATE MEETINGS, COMMITTEE I HAS NOT YET BEEN ABLE TO HOLD ITS FIRST MEETING. LDC MEMBERS OF OLD SECRET BRAZIL GROUP ARE WEAKENING UNDER G-77 PRESSURE AND ARE BADLY OUTGUNNED IN G-77 MEETINGS. INDIA IS EMERGING AS A MAJOR FACTOR. INDIA HAD TOLD US PRIVATELY THEY MAY REFRAIN FROM PUTTING FORWARD THEIR "STAGGERED ACCESS" PROPOSAL, AND INSTEAD, CALL FOR G-77 TO RETURN TO GENEVA SNT VERSION OF ACCESS -- EXCLUSIVE RIGHT OF EXPLOITATION FOR THE ENTERPRISE.

THIS MORNING, U.S. TEAM WILL MEET WITH BRAZILIAN GROUP TO STIFFEN THEIR BACKS IN AN EFFORT TO OFFSET THE CURRENT TREND IN THE GROUP OF 77.

2. COMMITTEE II. CHAIRMAN AGUILAR (VENEZUELA) PRESENTED A GOOD PROCEDURAL PROPOSAL TO DEAL WITH PRIORITY ISSUES OF BROAD INTEREST TO THE LARGEST NUMBER OF STATES. THESE ISSUES ARE IDENTIFIED AS FOLLOWS:

(1) DEFINITION AND LEGAL STATUS OF THE ECONOMIC ZONE;

(2) RIGHT OF LANDLOCKED AND GDS TO PARTICIPATE IN THE EXPLOITATION OF THE LIVING RESOURCES OF THE ECONOMIC ZONE, AND LANDLOCKED ACCESS TO THE SEA;

(3) CONTINENTAL SHELF REVENUE SHARING BEYOND 200 MILES,

AND (4) DEFINITION OF THE OUTER LIMIT OF THE CONTINENTAL MARGIN BEYOND 200 MILES. THESE ISSUES WOULD BE DEALT WITH IN WORKING GROUPS CHAIRED BY AGUILAR. THE PROPOSAL WAS GENERALLY WELCOMED, WITH SCATTERED OPPOSITION FROM INDONESIA, SPAIN, YEMEN, TANZANIA AND OTHERS SEEKING TO BROADEN THE SCOPE OF DISCUSSION TO OTHER ISSUES INCLUDING STRAITS; WE OPPOSE REOPENING STRAITS AND OTHER ISSUES HANDLED TO OUR SATISFACTION IN THE RSNT. IT IS LIKELY THAT THE CHAIR'S PROPOSAL WILL, IN CONFIDENTIAL

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SUBSTANCE, BE ADOPTED TODAY, WITHOUT A DECISION TO REOPEN STRAITS OR OTHER ISSUES AT THIS TIME. WE HAVE WORKED CLOSELY WITH AGUILAR, PRIVATELY, AND WILL STAY QUIET UNLESS HE RUNS INTO TROUBLE.

3. COMMITTEE III. SUBSTANTIVE WORK ON SCIENTIFIC RESEARCH BEGINS TODAY. CHAIRMAN YANKOV (BULGARIA) WILL COMMENCE SMALL PRIVATE GROUP NEGOTIATIONS IN A FEW DAYS. WE ARE WORKING TO BUILD

FEELING CHANGE MUST BE MADE, TO BE FOLLOWED BY SPECIFIC
SUBSTANTIVE NEGOTIATION. THUS, BASIC PROBLEM OF CONSENT
REQUIREMENT FOR RESEARCH IN THE ECONOMIC ZONE SHOULD BE
RIPE FOR NEGOTIATION BY LATE NEXT WEEK.

4. DISPUTE SETTLEMENT. GDS INFORMAL PLENARY CHAIRED BY
AMERASINGHE BEGAN ARTICLE-BY-ARTICLE REVIEW. SOVIETS MADE
CURIOUS PROPOSAL TO EXPAND EXCEPTION FROM TREATY COMPULSORY
SETTLEMENT PROCEDURES WHERE THERE IS ANOTHER TREATY
PROVIDING FOR ARBITRATION OR JUDICIAL SETTLEMENT TO INCLUDE
SITUATION WHERE ANOTHER AGREEMENT PROVIDES FOR "OTHER
MEANS OF SETTLEMENT." THIS WAS WIDELY ATTACKED AS GUTTING
THE PRINCIPLE OF BINDING THIRD-PARTY SETTLEMENT UNLESS THE
"OTHER MEANS" PROVIDED FOR BINDING SETTLEMENT; THE SOVIETS
DID NOT REPLY. WE EXPECT THE EEC SHORTLY (SPURRED BY FRANCE)
TO PROPOSE LIMITING CDS PROCEDURES TO ARBITRATION, REJECTING
A NEW LOS TRIBUNAL. THE PROBLEM IS THAT THIS MAY DAMPEN LDC
SUPPORT FOR THE WHOLE IDEA OF BINDING THIRD-PARTY SETTLEMENT.
THE BRITISH SHARE OUR CONCERN; THE FRENCH DO NOT CAR
END
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UNQUOTE HABIB

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